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January 7, 1999

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VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

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JAN - 7 1999

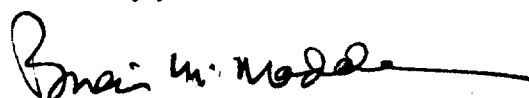
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Salas:

On behalf of Sarkes Tarzian, Inc., licensee of Station KTVN(TV), Reno, Nevada, there is transmitted herewith an original and five copies of its *Petition for Rule Making* proposing a substitution of Channel 13 for Channel 32 in the DTV Table of Allotments for use by Station KTVN.

If any additional information is desired in connection with this matter, please contact the undersigned counsel.

Sincerely yours,



Brian M. Madden

BMM/tlm
Enclosure
cc: Gordon Godfrey (FCC)

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(b))
Table of Allotments, DTV Broadcast Stations)
(Reno, Nevada))

RM _____

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To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMUNICATIONS DIVISION
JAN 7 1999

PETITION FOR RULE MAKING

Sarkes Tarzian, Inc. ("STI"), licensee of Station KTVN(TV), Reno, Nevada, by its attorneys and pursuant to the provisions of Section 1.401 of the Commission's rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel 13 as the DTV allocation for transitional DTV use by Station KTVN in lieu of Channel 32, as originally allotted.

As shown in the accompanying engineering statement prepared by Bernard R. Segal, P.E. ("*Engineering Statement*"), Channel 13 may be allotted for DTV use by Station KTVN, operating from Slide Mountain, which is not the location of the presently licensed NTSC facilities of Station KTVN on Channel 2, but is specified as the proposed transmitter site for the operation of Station KTVN-DT in a pending application filed on May 22, 1998 (File No. BPCDT-980522KF). Grant of the channel substitution in the DTV Table of Allotments proposed herein will facilitate the relocation of the DTV transmitting facility for Station KTVN to Slide Mountain and the implementation of a common DTV antenna facility now being contemplated by STI and several other licensees of television stations serving the Reno market.

Upon approval of the changes in the DTV Table of Allotments requested by this petition, STI will amend the pending application to correspond to the new allotment of Channel 13 as the frequency for the DTV operation of Station KTVN.

As noted in the accompanying Engineering Statement, STI's proposal is in full accord with all applicable coverage and allocation criteria set forth in the Commission's rules. The proposed operation on Channel 13 provides full coverage over Reno, Nevada, the community of license of Station KTVN, as required by Section 73.623(c)(1) of the rules. *See Engineering Statement*, p. 2 and Figures 1 and 2. No NTSC station or any DTV station or allotment would receive interference from the DTV operation of Station KTVN on Channel 13 from Slide Mountain which might affect any populated area to an extent which would exceed the standards adopted by the Commission as acceptable *de minimis* interference, as required by Section 73.623(c)(2) of the rules. *Id.* at pp. 3-4 and Figure 3.


Upon the Commission's grant of this petition for modification of the DTV allocation by the substitution of Channel 13 for Channel 32 for DTV use by Station KTVN, STI will promptly amend its pending application specifying the operation of Station KTVN-DT from Slide Mountain, and will adhere to all applicable Commission standards for the timely build out of its DTV facility.

THEREFORE, for the reasons set forth above, a rule making proceeding should be instituted proposing the amendment of Section 73.622(b) of the Commission's rules to

substitute Channel 13 for Channel 32 in the DTV Table of Allotments for use by Station KTVN from Slide Mountain.

Respectfully submitted,

SARKES TARZIAN, INC.

By: 
Brian M. Madden

Leventhal, Senter & Lerman, P.L.L.C.
2000 K Street, N.W.
Suite 600
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January 7, 1999

Its Attorneys

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
SARKES TARZIAN, INC.
RENO, NEVADA**

The instant Engineering Statement has been prepared on behalf of Sarkes Tarzian, Inc., licensee of NTSC television station KTVN, Reno, Nevada. Engineering support is provided for a petition to amend the DTV Table of Allotments, Section 73.622(b) of the Rules. The FCC allotted Ch. 32 for transitional DTV use for NTSC station KTVN. Station KTVN operates on VHF Ch. 2. The instant Engineering Statement provides support for amendment of the DTV Table of Allotments to specify Ch. 13 in lieu of Ch. 32.

The proposed Ch. 13 DTV allotment is for operation from Slide Mountain which is not the location for the current NTSC operation for KTVN. Station KTVN currently operates from McClellan Peak. An application is pending for DTV operation for KTVN from Slide Mountain on the allotted Ch. 32. If the DTV Table of Allotments is modified to reflect Ch. 13 instead of Ch. 32, the pending application will be modified, as appropriate, for consistency with the new Ch. 13 allotment.

The geographic coordinates for the Slide Mountain location are: 39° 18' 45" North Latitude, 119° 53' 00" West Longitude. The site elevation is 2,938 meters above mean sea level. The overall antenna and supporting structure height would be 61 meters above ground level. The antenna radiation center will be 49 meters above ground level or 2,987 meters above mean sea level. The antenna radiation center height above average terrain would be 906 meters. The proposed omnidirectional effective radiated power is 12 kW (avg). Terrain elevations from 3.2-16.1 km along the standard eight radials were obtained from the National Geophysical Data Center 30-second database.

In compliance with the requirements of Section 73.623(c), studies are provided which demonstrate that the change in the allotment table, as proposed herein, satisfies the coverage and allocation criteria of the FCC Rules. Figure 1 is map demonstrating the extent of coverage of the 36 dBμ, F(50,90) contour for the proposed allotment. Figure 2 is a tabulation of terrain elevation data and distances to the 36 dBμ, F(50,90) contour for the proposed allotment facilities. Figure 1 demonstrates that the entire community of Reno would be encompassed by the proposed operation in conformance with the requirement of Section 73.625(a).

As to allocation concerns, the study provided herein as Figure 3 demonstrates that no NTSC station and no DTV station or allotment would receive interference from the proposed KTVN-DT, Ch. 13, facility affecting population in excess of the "de minimis" 2% allowable level. Also, in those instances where the proposed KTVN-DT facility would cause interference to any NTSC or DTV station, the cumulative interference will not exceed the maximum allowable of 10%.

The study of Figure 3 was performed using an FCC matched computer analysis taking into account both NTSC and DTV allocation factors. A computer using an ALPHA processor was employed in conjunction with the FCC's FLR software. For each station studied, the reference information from Appendix B of the *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Reports and Orders in MM Docket Number 87-268* is listed in Figure 3 for comparison with the results obtained independently using the ALPHA processor with the FCC's FLR software. The independently determined calculation results are in good agreement with the FCC's Appendix B results.

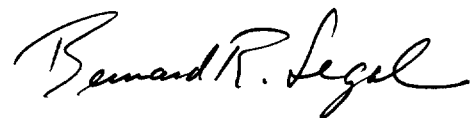
Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

Engineering Statement
Sarkes Tarzian, Reno, Nevada

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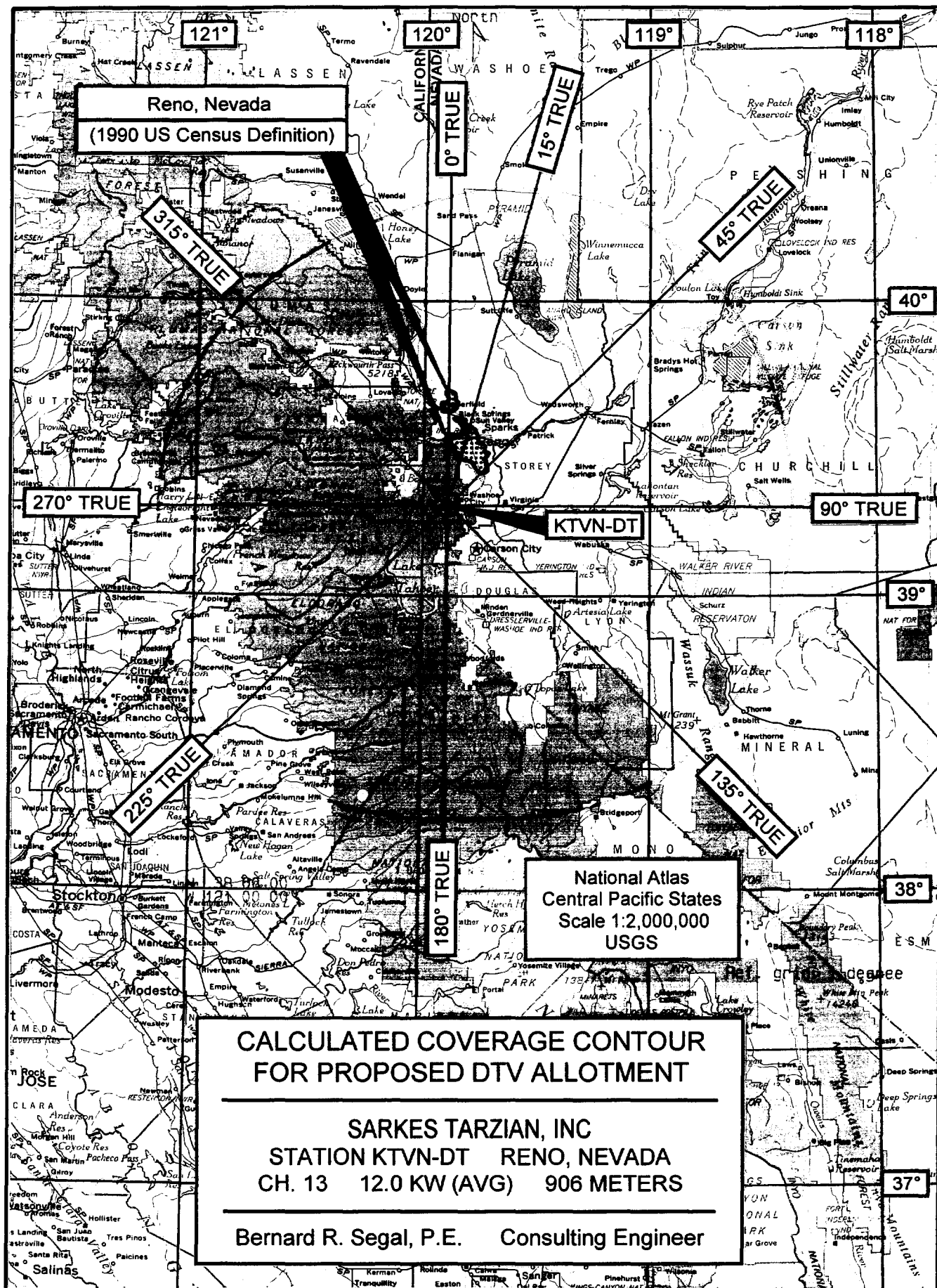
Two studies were performed. The first study took into account the current Appendix B allotment facilities and provided a reference for comparison with the second study which included the effect of the proposed new Ch. 13 DTV allotment for paired use for KTVN. In no instance would the FCC allowable 2% de minimis interference level be exceeded toward any NTSC station or DTV allotment, and in no instance where the proposed KTVN-DT facility would cause interference, would the maximum cumulative 10% allowable interference limit be exceeded. The proposed allotment satisfies all FCC criteria.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 5, 1999.



Bernard R. Segal, P.E.

Figure 1



**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
SARKES TARZIAN, INC.
RENO, NEVADA**

Tabulation of Average Elevations and
Distances to the DTV Coverage Contour

NAD 27 Site Coordinates: 39° 18' 45" North Latitude
119° 53' 00" West Longitude

<u>Azimuth</u> (deg. True)	<u>3.2-16.1 km Terrain Average</u> (mAMSL)	<u>Rad. Ctr. Above Terrain Average</u> (m)	<u>Distance to 36 dBμ F(50,90) DTV Coverage Contour</u> (km)
0	2314	673	116.6
15*	2001	986	123.7
45	1684	1303	130.0
90	1716	1271	129.4
135	1620	1367	131.1
180	2251	736	118.6
225	2095	892	121.8
270	2486	501	108.5
315	2484	503	108.7
Overall average	<u>2081</u>	<u>906</u>	

* Radial through Reno. The elevation data have not been used in determining the overall averages.

**ENGINEERING STATEMENT
PREPARED ON BEHALF OF
SARKES TARZIAN, INC.
RENO, NEVADA**

NTSC and DTV Allocation Studies for Proposed KTVN-DT Allotment
Ch. 13, 12.0 kW, 906 mAAT

NAD 27 Site Coordinates: 39° 18' 45" North Latitude
119° 53' 00" West Longitude

Antenna Radiation Center: 2987 mAMSL
Site Elevation: 2938 mAMSL

A: NTSC Allocation Study

Ch. Relation- ship*	Potentially Affected NTSC Station	<u>Appendix B Data</u>		<u>Independent Calculations</u>					
		Current Service Pop. (Thous)	Allotted DTV Interf. (%)	Current Service Pop. (Thous)	Noise- Limited Pop. (Thous)	Allotted DTV Interf. (Thous) (%)		New Interf. from Prop. KTVN-DT (Thous.) (%)	
n-0	KEET, Eureka, CA Ch. 13, 182 kW, 515 m	120	0.0	120	120	0	0.0	0	0.0
n-0	KOVR, Stockton, CA Ch. 13, 316 kW (MAX), 594 m	4,593	0.7	4,455	4,560	67	1.5	64	1.4
n-1	KHSL-TV, Chico, CA Ch. 12, 316 kW, 396 m	562	0.6	558	566	4	0.7	0	0.0

B: DTV Allocation Study

Ch. Relation- ship*	Potentially Affected DTV Station	<u>Appendix B Data</u>			<u>Independent Calculations</u>				
		DTV Service Pop. (Thous.)	NTSC Service Pop. (Thous.)	DTV/ NTSC Pop. Match (%)	DTV Service Pop. (Thous.)	NTSC Service Pop. (Thous.)	DTV/ NTSC Pop. Match (%)	New Interf. from Prop. KTVN-DT (Thous.)	DTV/NTSC Pop. Match with Prop. KTVN-DT (%)
n-0	Allotment, Salinas, CA Ch. 13, 3.2 kW (MAX-DA), 735 m	765	760	100	748	740	100	0	100

*n = DTV Channel 13